

**HEA 1001 Questions Asked At Statewide Judicial Officer/Probation Officer
Training – November 2008**

- 1) If a recommendation is made at the Disposition hearing that comes through a third party (CASA/GAL) can the court take the disposition under advisement and send this back to probation and the Consultant? Could the court order all third party recommendations be sent to probation 10 working days prior to disposition for consideration first?

ANSWER: Yes. The concept of every 3rd party sending their proposed recommendations to the Consultant was originally discussed as HB 1001 was in play and it was determined that this would be very difficult for many GAL/CASAs because of the voluntary nature of their organizations. The solution was the post Disposition hearing process. The goal is not to have an “agreed upon” plan submitted to the Court in every situation, but to recognize the roles of government through the Probation Officer and the State payer- DCS- and have them communicate directly. The 10 day suggestion is clearly too long, though, given the 3 day process between the Probation Officer and Consultant.

- 2) Are PO’s supposed to be visiting children in out of home placements every thirty days? Is this a IV-E Requirement?

ANSWER: This is not a IV-E requirement. This is a DCS administrative policy, and considered a best practice. The goal is to ensure that there is a constant review of the placement and the referring or monitoring source and the 30 days is best practice. This does not include out of state placements as that would clearly be too difficult, time consuming and expensive. Understanding the need to visit, evaluate placement and progress, and analyze the success or lack of progress so a timely step down can occur is the goal.

- 3) How long do Probation Officers need to write PDR from time of adjudication?

ANSWER: Varies on the practice on your county or Judge

- 4) Is the three day turn around time for the Consultants three business days or three calendar days?

ANSWER: Three business days, with the day of submission “counting” if the information is received before noon, if received after noon, then the day of submission does not count toward the three days.

- 5) Are parental reimbursement payments made at the local Clerk’s office or are they made through Indianapolis similar to child support?

ANSWER: Paid at the local Clerk’s office.

- 6) What percent of total cost is typically ordered for repayment by parent on out of home placements?

ANSWER: Based on financial ability of the parent to pay, this is per statute. The Statute requires that the consideration begin with the child support guidelines. In fact, the Pre-Dispositional Report for both Probation and CHINS cases has required fields to document this. Ultimately it is a Judicial determination on the ability to pay. Some form of reimbursement is preferred for a host of reasons.

IC 31-37-17-3 Financial report

The probation officer shall collect information and prepare a financial report, in the form prescribed by the department, on the parent or the estate of the child to assist the juvenile court and the department in:

- (1) determining the person's financial responsibility; and
- (2) obtaining federal reimbursement;

for services provided for the child or the person.

IC 31-40-1-3 Version b

Obligation of parent or guardian for cost of services provided to child adjudicated delinquent or in need of services; child support obligation worksheet

Note: This version of section effective 1-1-2009. See also preceding version of this section, effective until 1-1-2009.

Sec. 3. (a) A parent or guardian of the estate of:

- (1) a child adjudicated a delinquent child or a child in need of services; or
- (2) a participant in a program of informal adjustment approved by a juvenile court

under IC 31-34-8 or IC 31-37-9;

is financially responsible as provided in this chapter (or IC 31-6-4-18(e) before its repeal) for any services provided by or through the department.

(b) Each person described in subsection (a) shall, before a hearing under subsection (c) concerning payment or reimbursement of costs, furnish the court and the department with an accurately completed and current child support obligation worksheet on the same form that is prescribed by the Indiana supreme court for child support orders

- 7) After a child is placed at the review hearing will the Consultant be involved again in whether to continue placement?

ANSWER: No, only if it is a recommendation is for a new placement/service.

- 8) Who will determine the amount of money available to the local county?

ANSWER: Allocations have all ready been made at the regional level, broken down to the County level.

- 9) Who will keep track of how this money is spent during the year?

ANSWER: Regional Services Councils will review the regional allocations. Regional Finance Managers can provide updated information about funds expended and allocations remaining.

- 10) Some local facilities are much more expensive than out of county and/or out of state placement facilities.

ANSWER: The issue is “where is a child best placed to enhance permanency”. Research shows that lengths of stay are reduced if child is placed closer to family/community. Research also shows that parental or family involvement and therefore the issue of permanency is enhanced where there is proximity and availability to contact. Finally, the issue is only tangentially about money- but if money is to be discussed, this turns out to be an issue of economic development for our state economy, but the fact is that being close to home is better for children and families and complies with the letter and spirit of the law.

- 11) What is the process for DCS approval of after hour’s emergency placements/hospitalizations?

ANSWER: The Court, in its findings will make the necessary emergency findings, and the Benchbook forms from the Judicial Center set these findings out. But, it also depends on the length of stay. See the Emergency Placement Process.

- 12) Who hears the appeal by DCS? Will DCS have a specialized team set in place?

ANSWER: The Court of Appeals. DCS legal will review orders to determine if ordered services/placements will be appealed.

- 13) How does this bill affect detention hearings?

ANSWER: Reasonable efforts findings must be made. The Benchbook Forms of the Judicial Center set these findings out.

- 14) Is it possible to have a Consultant available on site on a periodic basis?

ANSWER: No, due to time constraints and the goals anticipated in the spirit of the bill- this is to be a paper review and not take the place of or supplant the concept of local coordinating council, family group decision making or other such processes already in place.

- 15) Has thought been given to what types of staffings will take place with DCS?

ANSWER: No staffings will occur with DCS Consultants. Probation may choose to develop an internal staffing process, particularly for placements.

16) Does the DCS service Consultant strictly speak for the DCS?

ANSWER: Yes and in keeping with the best interest of the child.

17) Aside from psychological evaluations, what other documents are needed?

ANSWER: All relevant information pertaining to the reasons for the recommendations should be provided including the risk and needs assessments, educational information, counseling reports etc. Whatever the Probation Officer may have used to formulate its recommendation should also be available to the Consultant. If that is not the case, there will be an apples to oranges comparison and that is not consistent with the spirit or language of the statute.

18) Is concurrent planning available in JD cases?

ANSWER: Yes, concurrent planning is an effective and essential process for those special cases where it is appropriate- not in all cases, but in those limited cases fitting a special criteria. But, to what extent will have to be determined on a case by case basis.

19) Two different answers given on whether to go through the service Consultant on a suspended placement (at the time the placement is suspended) or at the time the suspended placement is executed.

ANSWER: An example of the different practices that exist throughout the State. Not every Probation department or jurisdiction uses "suspended placements" as a concept or order. For those that do, the Consultant will need to be contacted at the time that the sanction is to be invoked or executed- and all information used to consider the placement recommendation will need to be sent to the Consultant..

20) Does DOC placement apply to the 15 out of 22 requirement for the filing of the TPR?

ANSWER: No. There are specific exceptions to juvenile justice placements to the 15 out of 22- detention center and DOC, among them.

21) Status of collections/bankruptcies? After 1/1/09, outstanding due collected by? Received by? New costs incurred collected by? Received by?

ANSWER: Meetings are ongoing regarding collections and who is responsible for what. Information will be made available as soon as procedures have been developed.

22) How many days does DCS have to appeal a decision that they do not concur with. Is it the standard 30 days from a final appealable order?

ANSWER: The final Expedited Appeals rules have not been issued but the original discussions have state that DCS will have five (5) days from receipt of the Court Order.

- 23) Who writes the Probation department appeal? Attorney General? Probation going to have a staff attorney?

ANSWER: None. Probation's record is in the PDR and testimony. Other entities listed in the proposed rules will have that responsibility or opportunity.

- 24) DCS has the right to appeal a decision. Does Probation have this same right? If not why?

ANSWER: No, Probation is an entity under the umbrella of the judiciary, which does have the right to participate in the appeal process. The issue in the appeal is whether the facts and the findings support that the programs, services or placement should be paid for by the state of Indiana through DCS. In the rules which should be available soon, the parties to any appeal initiated by DCS should be listed- but not all of those listed may want to participate in an appeal. Since the Judiciary is a party, Probation by virtue of that is presumed to be a "party" through those auspices.

- 25) Do you need a Permanency hearing when a child is receiving DCS services, but not in placement?

ANSWER: Not if the child is residing with their parent/guardian/custodian. The permanency hearing issue only applies if there is a placement out side of the home.

- 26) How does the Probation department get approval from the Service Consultants prior to disposition or at modification as we write no PDR for those hearings?

ANSWER: Submit your recommendations to the Consultant along with any documentation that you used to arrive at those recommendations.

- 27) For TPR what is considered "out of home"?

ANSWER: When a child is not living with a "parent, guardian or custodian". In other words when a child is placed out of the home and placed in a relative's home, foster home, group home or institutional environment, but excluding secure detention and the Department of Corrections.

- 28) If DCS and Probation currently staff cases together and agree on services does the Consultant still need to review?

ANSWER: Yes.

- 29) Do we need IV-E language in a detention order when the child is released to the parent or guardian or when the child is released with specific conditions?

ANSWER: Yes.

- 30) Have the DCS Service Consultants been given guidelines by DCS as to how much money they can authorize be spent or is the recommendation based on needs rather than money?

ANSWER: No, while the Consultant may know the cost of services (DCS is not training on that and is not providing any information about costs), no decisions will be made based on dollar amounts.

- 31) Does this process make DCS a party requiring notice and an opportunity to be heard?

ANSWER: No.

- 32) To have a psychological evaluation ordered does the Service Consultant have to notified and responded prior to the court ordering the evaluation?

ANSWER: If the State through DCS is to pay, then yes.

- 33) In regards to reimbursements- if a child is placed by Probation who requests or files reimbursements? How often are parents actually paying back? How is the parent notified or is seen to be able to pay?

ANSWER: Probation actually provides this information to the Court. The standard Predispositional Report available through the Bench book of the Judicial Center requires that the family financial information be put into the Form and the Court will then determine the amount, if any, of reimbursement primarily using the Child Support Guidelines. See Answer 6 above.

- 34) IA's- do you send to the Service Consultant?

ANSWER: If there is a request for the State/DCS to pay for a program or service, yes.

- 35) Do we need signed consents or releases of information?

ANSWER: Signed consents are not required.

- 36) How can one Regional Service Consultant handle the influx of PDR reports and respond in three days?

ANSWER: In high volume Regions there is more than one consultant. Work flow will be managed and analyzed to determine what, if any, future staffing needs there are.

- 37) If the Service Consultant fails to respond in three days, does that mean that the Court can default to the Probation Officers recommendations and the State/DCS still pays for services?

ANSWER: Yes, as long as the Service Consultant was provided all requested documentation.

- 38) With counties maximizing DCS payable services is it feasible to consider the state running out of money?

ANSWER: Regional Service Councils will be asked to manage to the allocations that they were given. It will take a concerted effort by all involved in this process to monitor this situation carefully.

- 39) What is the process for funding current out of state placements which are anticipated to last into 2009?

ANSWER: These cases will be "Grandfathered" in. Review hearings requesting a change in placement or new services will need to be routed through the Service Consultant. It is hoped that the out of state placements will be reviewed with the frequency and intensity that all cases should be and that they specifically will be reviewed with the concept that children are best placed near home and that permanency is an important decision in the life of the child.

- 40) Are the Prosecutor's Office receiving Training?

ANSWER: Yes, in December. They have been involved in our various committees,

- 41) Who pays for diagnostic evaluations?

ANSWER: There is a service standard for diagnostic evaluations and many Regions have contracts in place. If the State/DCS is being asked to pay, the request for this evaluation must be made to the Service Consultant. Diagnostic evaluations cannot be covered/paid for by the State/DCS if the youth is in a secure detention setting.

- 42) IA? This needs to be flushed out more with regard to DCS payment for counseling.

ANSWER: DCS can pay for counseling services if Regional contracts are in place. The Probation Officer must submit the recommendation to the Service Consultant for review and concurrence before a referral can be made.

- 43) Could you please make up a case and walk us through his/her case from start to finish? Take us from arrest and to detention hearing to initial hearing etc. including when Probation Officer sends information to Service Consultants and Court. Just walk us through 1 kids' case please.

ANSWER: Good suggestion. Might come up with some scenarios and post on the web.

- 44) How do parents/CASA/Juvenile attorney get their recommendations to the Service Consultant prior to disposition hearing?

ANSWER: Through the Probation Officer. The communication described in the statute is for the Governmental departments to communicate about the recommendation of payment. If others have recommendations, they should arrange to communicate that to the Probation Officer who may then want to communicate that to the Service Consultant. If that is not possible, then they need to present their recommendations at the Court hearing.

- 45) Are we doing case plans on all children or only those we are considering placement or services? If providing services only, do we need IV-E information as well?

ANSWER: Case plans must be done on placement cases within 60 days of placement. On services, only cases where there is some IV-E information that must be entered into the web portal, but the form does not have to be completed in its entirety. See help guide for further information available on the Judicial Center website and on the DCS website under HEA1001.

- 46) Are we sending PDR's to the Service Consultant only on those children that we are recommending services or placement?

ANSWER: Yes, if DCS is being asked to pay for these services or placement.

- 47) Will Service Consultants communicate directly with community providers or through the Probation Officer?

ANSWER: They will meet with/know of service providers, but not speak directly with service providers about individual cases. Over the weeks and months to come, there will be extensive opportunities to the Service Consultants and others to learn about the extensive array of services, programs and placements available in Indiana as well as the Regions and local counties.

- 48) If we recommend an IA that does not contain any services or programs to be paid for the State/DCS, do we still need to submit case plans?

ANSWER: No, case plans are only required for placement cases with the lone exception of Independent Living Services which have always required a case plan and will continue to do so.

- 49) If we recommend via PDR and disposition recommendations that do not recommend services to be provided by DCS do we still need to submit case plans?

ANSWER: No, this is not required.

- 50) Is the panel certain that a finding of “emergency” for placement is appealable?

ANSWER: While the final rules for the expedited appeal- Rocket Docket- are not available yet, it is believed that the final version will not have the “emergency” finding part of the “rocket docket”, but it is appealable as a final order. This is still not known so this is not to be taken as a final answer.

- 51) If the state pays for Department of Corrections placements, do we need Service Consultants review?

ANSWER: No.

- 52) If we have children at IDOC prior to 1/1/09 will payment stop to IDOC 1/1/09 or will we (the County) continue to pay per diem because the placement was prior to 2009?

ANSWER: Counties will be responsible for the final quarter of 08’, and the State assumes payment after that.

- 53) Case plans on “placed kids”. Does this include pre-adjudicated youth in non-secure shelter care?

ANSWER: Yes, if they are in care longer than 48 hours.

- 54) What happens when parents cannot be contacted? What if parents do not have the necessary documents or refuse to provide information (IV-E info). Parent may be in Mexico.

ANSWER: Make a clear, documented record of the attempts to locate the parent, guardian or custodian and to obtain the necessary information and communicate that in the Report and to the Court. Document what you know.

- 55) What will happen to funds currently in the county child welfare account?

ANSWER: It appears that 12 - 15 counties will have a budget deficit, all of the other counties have a surplus. Any surplus dollars remaining after all programs services and placements provided in 2008 and timely billed have been paid must go to an Excess Levy Fund referred to in HEA 1001 to be applied only to additional property tax relief within the same county.

- 56) What financial incentives will counties have to maintain county-funded programs aimed at preventing residential placements now that the state is paying for those placements?

ANSWER: The incentive should be that it has been and will continue to be the right thing to do for children, families and Indiana taxpayers. Regions will have more prevention and service dollars available for their counties if placement costs are contained.

- 57) Where do parents make reimbursement payments?

ANSWER: Payments should be made to the local County Clerk, as has been the standard practice.

- 58) If a child is serving a sentence (30, 60 or 90) days and services could continue while in detention, will DCS pay? (Services have already been approved or started)

ANSWER: No.

- 59) Is public safety threat a cause for removal?

ANSWER: generally, with that language alone, the answer to this is NO. It may if there is a concurrent finding of the Reasonable Efforts threshold referred through out the training and in the Court's findings..

- 60) Who hears an appeal?

ANSWER: The Indiana Court of Appeals will review appeals.

- 61) When DCS appeals, who at DCS makes the decision to appeal?

ANSWER: The recommendation to appeal will come from the local office and be referred to the DCS General Counsel, who, in conjunction with the Director of DCS and others, will make the final decision.

- 62) Emergency detention, contact the Service Consultant? How is this done in a timely manner, statutory time restrictions?

ANSWER: See the policy on "Emergency Placements".

- 63) Why can't Regional prevention funds be used for probation kids as well as DCS kids?

ANSWER: They can and are accessed via community partners.

- 64) Need to be sure Probation is attending Regional Service Council meetings to be aware of what is going on. Are they attending?

ANSWER: Judges can designate a proxy a probation officer to sit on this Council. They are always welcome.

- 65) Does this "language in the order" issue up front apply to cases that are not removed from the home or referred to non-DCS payment services initially?

ANSWER: Yes, as there is no real way to determine if a child might later be removed from the home or if DCS paid services might be asked for in the future. There is no harm, penalty or problem with putting the language in there when it is not ultimately needed. There is only a penalty for not having the language in there when it should have been. Conclusion- put it in.

- 66) Does the Service Consultant review language in the prior orders?

ANSWER: No, DCS legal will review.

- 67) If there are different cause numbers, does the reasonable efforts language need to be in both?

ANSWER: Yes.

- 68) Who is representing the Probation placement budgets on the Regional Services Councils in regards to allocation of money especially for the 2009 budget year as it has already been established. How did this Council know what Probation needs were in that Region without any Probation representation?

ANSWER: Judges serve on this Council and can ask that a Probation Officer serve as a proxy. Probation needs were assigned in each region and County based on past expenditures which were reviewed prior to allocations being made.

- 69) In the future would the Service Consultant be required to attend these meetings as a responsibility for the job?

ANSWER: All of the Service Consultants hired as the dates of these trainings have attended at least one. It is not currently a job responsibility that has been established. But since this is a new process, it is anticipated that there will be refinements and adjustments made in the future

- 70) Do we do a Permanency Hearing if not receiving services paid for by DCS?
Child is at home, no removal.

ANSWER: Best practice, yes, for purposes of documentation in the event that services or placement may be ordered for this child in the future. But technically the Permanency Hearing is not required.

- 71) When a child is placed out of home from a Modification Hearing and will no longer be on Probation will probation be responsible for tracking the reimbursements from the parents?

ANSWER: DCS assumes responsibility to collect reimbursement from the parent.

- 72) Do case plans need to be prepared for emergency short term placement i.e. two days?

ANSWER: No, not required, but consistency would suggest that it is important to get into the habit of doing these, and it is identified as best practice.

- 73) If, in determining Permanency planning, and consideration is given for placement with a relative, is a home study or criminal history check needed?

ANSWER: Yes on the criminal history check and home study.

- 74) For children currently in placement, beginning 1/1/09 will state assume costs of tracking and reimbursement for cost and payment or is this still the responsibility of the county?

ANSWER: The State of Indiana, through DCS, will assume this responsibility effective January 1, 2009.

- 75) Where precisely is the service standards list on the DCS website?

ANSWER: DCS site, under heading "Publications". At the current time, only Wave 4 standards are available. We are working on having all of the service standards published as soon as possible after January 1, 2009.

- 76) Do informal adjustments get a Permanency Hearing?

ANSWER: No, they do not run up to 12 months, only 6 months with up to a 3 month extension.

- 77) Can Delinquency and CHINS funds be transferred from a county if one has a shortfall and the other a surplus?

ANSWER: Yes, within the Region.

- 78) What exactly is the role of the Probation Officer in the plea agreement/bargain process since he/she is not a party to the “action”?

ANSWER: This was an issue of extensive discussion as to who is the real party in a Delinquency case and what is the Probation role. There are different practices throughout the state with no clear answer on this question. The conclusion of many is that Probation still has the responsibility of assessing the individual child and family and making a recommendation that can best support and reflect success for the plea agreement/bargain. But, in the event the assessment reveals that the plea agreement/bargain does not meet the needs and circumstances of the child and/or family, then Probation should confer with the local County Prosecutor and perhaps the attorney for the child/parent to explain the circumstances. Bottom line- the role is to convey the brokering of services and getting this information to the Service Consultant.

- 79) Do the findings which back up to the reasonable efforts and prevent or eliminate the need for placement, etc have to be like findings of fact made in writing?

ANSWER: Yes, particularly at the first order when taken into custody. The best process is to follow the Bench Book- don't just use the language, also state what efforts were made.

- 80) On TPR what happens if it is a DOC commitment? We do not currently retain any jurisdiction of cases going to doc and they may be there longer than 15 months.

ANSWER: Time in DOC or detention does not count towards the 15 months.

- 81) How are emergency placements handled?

ANSWER: Protocol is to be developed, but as long as justification is made and written findings of reasonable efforts and exigent circumstances are contained in a probable cause affidavit, costs will be covered if the youth is released prior to the need for a detention hearing. If a detention hearing is held, then the exigent findings and reasonable efforts language needs to be in the order and any additional placement recommendations should be referred to the service consultant.

- 82) If parents have Medicaid, would we need to get approval from the DCS Service Consultant before that assessment? Or would the approval come just from the prior approval through Medicaid?

ANSWER: No authorization is needed if ONLY Medicaid funds are being used. The process only comes into play if a referral is needed for a State/DCS paid program, service or placement.

- 83) What is the process of notification on the appeal? How will the Court or Probation be notified if DCS or Probation prevails?

ANSWER: Waiting for final approval from the Supreme Court and then will develop further procedures. There will need to be some form of quick notice given that if the Court order of program, service or placement is overturned since a removal from the ordered placement may be swift as a result.

- 84) Concerning IA's, if DCS does not concur with the service recommendations and no compromise is possible, is it really "DCS wins?"

ANSWER: Just as in the case of other circumstance, such as a full Dispositional Hearing, the Judge can still order services that Probation recommends.

- 85) What rights have changed?

ANSWER: None.

- 86) What if my Region runs out of allocated funds before year end?

ANSWER: It is extremely important that those funds be monitored throughout the year and that the Regional Services Council stay in close contact with the DCS finance department. This will need to be monitored at the Regional Services Council meetings to forecast by county and Region as a whole. There is also a mandate to maximize/enhance reimbursements from all sources. There may be an opportunity based on this enhancement of these reimbursements for Regions to be rewarded with additional monies and or services.

- 87) Are funds received from parental reimbursement returned to the county/region from which they are paid?

ANSWER: Those funds have already been included in the budget which has been allocated regional. It will be critical to actually obtain the projected reimbursements to be able to provide the funds that have been allocated. They are not returned to the county/Region.

- 88) How will Probation Departments receive the list of who has contracts? (Updates?)

ANSWER: They will be listed on the DCS website, Service Consultants will have a copy and they can be provided to Probation Officers.

- 89) Are providers able to apply for contracts as new programs evolve?

ANSWER: Regional Services Councils will determine if any new services are needed. Standards will need to be developed for programs that do not currently exist. Requests for Proposals (RFPs) will need to be distributed and selections made so that contracts can be developed.

- 90) Since the process for delinquents is becoming the same as the process for CHINs, are there any thoughts about injecting CASAs in the delinquency process?

ANSWER: That has not been discussed to this point. Some counties already appoint GAL's for delinquencies. This could just be an issue of how many GAL's are available in regions or counties.

- 91) Will be DCS be developing local or Regional programs or services for delinquents using the "what works" criteria?

ANSWER: The local Regional Services Council is the mechanism for identifying these services.

- 92) Regarding parental responsibility: who does the child support calculations and worksheets, DCS or Probation? Do we deal with garnishment?

ANSWER: Probation Officer fills out the information related to finances and child support worksheet. The collection procedure is unique to each county, Judge, prosecutor and/or county councils.

- 93) Can appeals from DCS be just programs or also emergency findings?

ANSWER: No final rule from the Court of Appeals, but this was a recommendation.

- 94) What will happen with children currently in care after January 1, will these be reviewed by DCS Service Consultant?

ANSWER: If they come up for review and there is a change in the type of care of services then it will have to go to the Service Consultant for review.

- 95) At emergency, detention often occurs at bizarre hours, what is the procedure in notifying DCS Service Consultant?

ANSWER: If there is an emergency placement, then the order reflecting this should and will go to the Service Consultant and contain emergency placement language.

- 96) What about pre-dispositional services? How are these approved by DCS Service Consultant as they are often needed to prevent placement – pre-dispositional costs, need evaluations to determine appropriate services.

ANSWER: Still need to be sent to the Service Consultant for review, even if emergency findings are made.

- 97) What is the role of DCS Service Consultant in reviewing cases and changes in placement and services during the case.

ANSWER: Service Consultant will not be providing an ongoing review. However, if there is a change in placement or services then Service Consultant needs to be advised and consulted.

- 98) If at dispositional hearing, the state recommends DOC, parents via attorney for the children recommend alternative placement, DCS will not be involved due to state's recommendation, what happens if the Court agrees with the defense's alternative plan?

ANSWER: Then the Dispositional order and supporting documents should be submitted to the Service Consultant and the case set over for disposition.

- 99) What type of incentives are offered to the Regions to reduce spending?

ANSWER: The more they are managed, the more funds they will have for services to prevent removal.

- 100) Is the PI/PDR the only document which can be used to request services?

ANSWER: No. There are many other documents that can and should be submitted to the Service Consultant- in short, the same information used to derive the recommendation for that program or service or placement.

- 101) How will this affect hearings in which we have an admission (to, say a technical violation) and we move directly to disposition? Example: client in IOP, positive screen, how do we get to residential treatment?

ANSWER: If there is a modification or emergency findings, then there should be a submission to the Service Consultant.

- 102) No one ever mentions the safety of the community as an issue. It's only to protect the child.

ANSWER: Community safety is an important consideration and also needs to be considered based on the risk of community harm.

- 103) With the possibility of more juveniles going to DOC, what budget will this expense come from?

ANSWER: The State of Indiana will absorb the cost of DOC commitments, but, to be clear, the Legislature will be watching closely for any “spike” in commitments to DOC.

104) With DCS having low caseload numbers, has judicial thought of new caseload measures and how to fund.

ANSWER: Yes- after the risk/needs assessment is in place, the next strategy is to address caseload measures, hopefully within the year.

105) I heard that DCS will no longer fund any Probation services (home detention and school programs) Is this correct?

ANSWER: There are no contracts in place for home detention- home detention is defined by case law as “detention” and the State/DCS is not paying for detention costs. . Some alternative school programs have been extended for a period of time and may be discontinued after that time.

106) Does the DCS Service Consultant have to approve the juvenile coming home?

ANSWER: No.

107) Are they considering including Probation in Regional Services Councils?

ANSWER: Membership on the Council is statutorily established. Judges may designate a Probation Officer as a proxy.

108) Has a Service Consultant been hired/names for Vanderburgh County yet?

ANSWER: Interviews are occurring but no one has yet been hired.

109) Do you have to have a Permanency Hearing for kids in placement or all Probation kids?

ANSWER: Yes, for kids in out of home placement, based on statutory guidelines.

110) Is the Benchbook on the IJC website?

ANSWER: Yes.

111) Has the length of time changed from the finding of delinquency until disposition must be held? (to allow more time for this process)

ANSWER: No, same statutory guidelines must be observed.

112) What if DCS is not aware of the order until after the 5 day appeal process?

ANSWER: The five days begins *after* DCS has received the Court Order. The Rules should cover this issue

113) Does this process apply only to services and placements ordered after 1/1/09

ANSWER: Yes, if DCS is being asked to pay.

114) What additional training is going to be provided?

ANSWER: The training subcommittee will identify any additional training needs. Specific requests should be made to M.B. Lippold, Deputy Director of Staff Development, DCS at mb.lippold@dcs.in.gov.

115) Does a case plan need to be completed on a juvenile delinquency matter when the child is a CHINS before a delinquent but placed by probation.

ANSWER: Yes, within 60 days of the Probation placement.

122) Do you have to do a permanency plan hearing if the child is in placement less than 12 months.

ANSWER: there must be a Permanency Hearing 12 months after Disposition or placement whichever occurs first, so yes.

116) Will juvenile placed in out of state placements and paid for by DCS have to be brought home on December 31, 2008 i.e. will DCS continue to pay for those placements.

ANSWER: No, they do not need to be brought home, DCS will continue to pay.

117) Is it true or untrue that all out of state placements will be denied?

ANSWER: This is not true, there will continue to be situations and circumstances that dictate that out-of-state placements occur. Some of those are listed in statute- i.e.- when there is no similar placement program available in the state, within 50 miles of the child's residence, when there is approval by the Director of DCS.

118) Why case plans? They are a waste of time when they Court reports already produced provide the necessary information. Do these kids still get Medicaid? Are they still going to get Medicaid for wards? If so, what's the process?

ANSWER: This is a requirement of HEA 1001. Children in placement will have the Medicaid for wards. The process for establishing Medicaid for these youth is being developed and will be distributed as soon as it is available.

- 119) What happens if the child proposes a disposition alternative not considered by the Department or the DCS Service Consultant? Does the Court have to defer that recommendation to DCS Service Consultant?

ANSWER: No, the Court can make any finding it chooses, making the proper reasonable efforts/emergency, etc. findings, at which time DCS may appeal. Alternatively, this information could be submitted to the DCS Service Consultant for review,

- 120) Have new preliminary inquiry forms been designed? And PDR forms?

ANSWER: Yes, there are on the Indiana Judicial Center website.

- 121) Does any of this (DCS approval) apply to cases that currently have DCS paying for services and/or placement. If Juvenile Detention Center does not offer treatment, but a child is there for his/her safety and in need of a psychological evaluation, would this be classified as an “emergency”?

ANSWER: The State/DCS can only pay for programs, services or placement allowed by statute. To the extent that the above questioned services and/or placements are being paid for by “DCS”, after 1-1-09, they probably cannot be paid- depending on the particular program, service or placement. Psychological evaluations will not be covered by DCS while the child is in detention.

- 122) How long will this last? Will a new state administration/governor change this in the future? Whose idea was this? It seems to have come out of the blue.

ANSWER: Property tax relief was the impetus and was a legislative act that would require a legislative act to undue.

- 123) What kind of evaluation will DCS be making of the community based services that are available?

ANSWER: Regional committees reviewed all proposals for services based on service standards and proposals submitted. Contracts established provide for outcome information to be provided which the Regional Services Councils can review to determine whether they want to continue working with specific agencies/programs.

- 124) How can we get DOC to place Northeast Indiana kids at Northeastern facility. Seems like IC31—37-17-4 would apply?

ANSWER: There is more of a dialogue with DOC now than before, and this is an issue that can be raised at the next available time. This was communicated to the Commissioner of DOC who indicated he would communicate with some of the Judges in that area to discuss this issue.

125) If parents have failed to obtain services to which they have been referred, does that constitute a fact, re: reasonable efforts?

ANSWER: The parents' actions or failure to act with regards to the services is not relevant for reasonable efforts findings. They are based upon on what has been provided to the child and or parents.

126) Since DCS can't pay for services while in detention, who pays for needed medication?

ANSWER: The county pays for the medications.

127) Who is responsible for developing these intensive outpatient programs that are supposed to be alternatives to placement?

ANSWER: Service standards are posted on the DCS website. The standards include intensive services including wraparound services. Regional Services Councils determine which services would be available within their region.

128) Is a placement board necessary? About re-placement board?

ANSWER: Depends upon the county policy. This may help support recommendations down the line if efforts and services have been put in place.

129) Will time spent at places such as the Allen County Juvenile Center count as time placed outside of home? Detention time prior to disposition; time spent as confinement following disposition?

ANSWER: No, the time itself will not count for the 6 months, one year, 15 out of 22 etc determinations. It will count as a removal for purposes of determining eligibility.

130) Will all counties be on Quest?

ANSWER: this is a question for others but the current answer to this from JTAC and others is- No.

131) Are they going to appointments of a probation representative to the Regional Services?

ANSWER: Not currently in the statute. Judges may designate a Probation Officer as a designee or proxy. These are also public meetings and anyone can attend and be heard and make evidence.

132) What happens to children in placement as of 1/1/09 at their next placement review hearing (JD Courts) Will they risk having their placements interrupted because DCS cannot pay for that particular placement?

ANSWER: The Service Consultant will only review recommendations to modify placement or services/

- 133) What happens to juveniles who, as of 1/1/09 are in placement at Kryder or Yoder houses?

ANSWER: Although they are not IV-E facilities, DCS will continue to pay for placements for a period of time, but efforts are underway to make these IV-E eligible.

- 134) What if a child's medical provider recommends out of state placement as being medically necessary. Facility recommended is not within 50 miles of county of residence. Recommendations are by letter, does that suffice?

ANSWER: Must be fact specific with documentation that no program or placement is available in Indian with same or similar service, along with an emergency finding.

- 135) Who pays for appellate transcript and what goes with the record?

ANSWER: As the Appellant, DCS pays for the appellate transcript. A narrative memorandum of no more than 10 pages goes with the record. But this will be covered in the rules not yet released.

- 136) If placement has been made and previously accepted/approved and a modification is desired later due to failed placement, do we need new approval by the Service

ANSWER: Yes.

- 137) If we have DOC placement extend further than 15 out of 22 months with no DCS involvement, do we need to do a termination and does DCS still have the responsibility to file that cause.

ANSWER: Time during a DOC commitment does not count toward the 15 out of 22 months.

- 138) Are Delinquency case plans required for services paid for by DCS if the child is still in the home?

ANSWER: No.

- 139) Are permanency plans different from delinquency plans?

ANSWER: Refer back to the five permanency options- reunification legal guardianship, adoption, placement with a fit and willing relative and another planned permanent living arrangement. At its basic form, what direction will this case take to achieve the closure of the case.

140) If DCS does not pay for detention cost is it still necessary for “reasonable efforts” language?

ANSWER: Yes.

141) Do you have to do case plans on all residential kids or just IV-E eligible kids?

ANSWER: All placed youth.

142) What does the permanency plan look like? Can it be a segment of a progress report or modification or is it a separate report?

ANSWER: There are five permanency plans: reunification, adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement (sometimes referred to as Independent Living). A permanency plan section is included in the Case Plan.

143) If kids are placed prior to 12/31/08, will they be able to stay in those placements? i.e. grandfathered in.

ANSWER: Yes, unless there is a recommendation to modify the placement or services.

144) Is there any discussion about creating a separate budget for delinquency cases and procedures matching what DCS does for CHINs cases so Probation Officer’s can spend more time working with juveniles and families instead of paperwork?

ANSWER: Not currently. This is essentially exactly the same work that Family Case Managers for DCS have been doing for years.

145) If DCS files an appeal and the Court decision is overturned, is it the expectation that the child would be immediately removed from placement and returned home or the service would be immediately stopped?

ANSWER: DCS would no longer be responsible for payment so alternative payment through county resources would need to occur. It is anticipated that there will be some time frame to have an alternative plan in place so that immediate removal or return home would not occur. The final appellate rules may address the time frame in some way.

146) If the Court orders a service which is paid by a DCS grant does that have to be approved by DCS first?

ANSWER: Yes.

- 147) If services are recommended as part of Informal Adjustment, when is the recommendation to be sent to the RSC such as, prior to sending the preliminary inquiry to the prosecutor? (Without Emergency detention)?

ANSWER: Before a service referral can be made, the recommendation must be submitted to the Service Consultant for review and concurrence/non-concurrence.

- 148) What if the PDR/preliminary inquiry and subsequent info is sent to the Service Consultant and no response is received in 3 days? Is the information sent by mail or fax? What if an answer is needed quickly? What if no response within the time period?

ANSWER: If all requested information has been provided and there is no response within the 3 day time frame, DCS will pay for services.

- 149) Does the Service Consultant have to provide an alternative plan? Or can they not agree? Is Probation required to come up with a new recommendation if the Service Consultant doesn't agree? Who hears appeal? Who files appeal? What will we have to do to show IV-E eligibility?

ANSWER: The Service Consultant must concur or offer alternative recommendations. DCS may file an appeal which will be reviewed by the Court of Appeals. IV-E eligibility information must be entered into the IV-E Form that has been developed, see the DCS website (HEA1001) or the Indiana Judicial Center website. A help guide has also been developed and is listed on both websites.

- 150) If family is covered by Medicaid which can be used for counseling services through IA, do we need DCS approval for said IA?

ANSWER: No.

- 151) In the appeal process would the Probation Officer have to file appearance?

ANSWER: No.

- 152) Can probation initiate a guardianship case?

ANSWER: There are no specific arrangements set out for this-primarily because the IV-E dollars have not traditionally been available to provide for this- like it has on adoption. One easy answer is that, if a person wants guardianship of a child in a delinquent act (typically a relative), they should be referred to an attorney for the filing of that process. This would avoid any conflict or appearance of impropriety.

- 153) Will DCS track juvenile's time out of home even with DOC time?

ANSWER: No. There is currently no mechanism in place that will track DOC time.

154) Who does DCS appeal to when objecting to an order? How long does the appeal take?

ANSWER: Indiana Court of Appeals. The final procedures for this process have not yet been released.

155) Must a child be supervised at all levels of probation and/or secure detention before DCS will consider funding a placement?

ANSWER: No. Placement recommendations will be reviewed looking at the child's underlying needs and what is needed to address those needs as well as the unique challenges which cause placement to be a consideration.

156) How many community based agencies have to be tried before services are considered exhausted?

ANSWER: There is no established number. This is a case by case assessment of the needs and services used and services available.

157) Will HB 1122 affect HB1001 adversely in that there will be the potential for more juveniles to be detained as a result of these traffic offences, just as we have changed roles for those being detained by HB1001, in other words, "we've cleaned house" with HB1001 but may we get several back again with HB1122?

ANSWER: It is impossible to answer that question at this time. HB1122 is not being trained by DCS.

158) Regarding DCS filing the Termination papers, how will DCS know about a DOC placement which counts in the 15 month time frame?

ANSWER: DOC placement time does not count toward the 15 month time frame.

159) There was a statement that each Region will have a specific allocation based on historical trends. Does this mean that there is a pot of money given to each Region to share? If so, what happens when that money was allocated and there are additional placements ordered? What happens if the larger county in the Region takes all the placement monies?

ANSWER: The importance of Regional Services Councils closely monitoring expenditures regularly cannot be overstated. If this occurs regularly, it is unlikely that the larger county will use all placement monies.

- 160) Will there be a set amount of time given prior to disposition so that Probation Officers have sufficient time to gather information in order to prepare PDR's

ANSWER: Every effort will be made. There is no statutory guideline regarding this.

- 161) Why are the Service Consultants not more available? To be able to contact and use as a resource?

ANSWER: They have a specific job function/duty and could be compromised if they are placed in an advisory role.

- 162) What types of services at the informal level are going to be available for delinquency cases paid for by DCS, if appropriate? For example, will home based or other community programs be available, especially for families that cannot afford services or don't have Medicaid?

ANSWER: All services available within a region are available to both probation and CHINs children and generally include home based counseling and other community based programs.

- 163) Judge Pratt made a comment about Kokomo academy, etc. not the IV-E Issues, I'm not sure, but thought it was Kokomo academy is not considered a placement DCS has to pay for.

ANSWER: Kokomo Academy is a licensed facility that is currently funded through the Family and Children's fund and therefore paid for by the State of Indiana through DCS after January 1, 2009. There are some current facilities that are not IV-E eligible and DCS will work with them to become IV-E eligible, and pay for their services as traditionally used for a period of time.

- 164) It appears this really does away with an emergency detention. Please address this, you get a call at 2 am to detain, how can you make sure reasonable efforts have been met. Law enforcement as the first contact, should be aware of this.

ANSWER: One of the findings that can/will be made is that it is reasonable to say that no services were offered because of the emergency situation. There should still be some listing of services that were available- even if only relative care, counseling, some not-for-profit organization- but that the services were not utilized to avoid removal because of the emergency nature of the situation- and then list the emergency circumstances. Placement at an emergency shelter facility can still occur. If under 48 hours, there is no Service Consultant review and DCS will make payment. If more than 48 hours, written

findings must be made regarding the emergency nature of the placement and the order must be forwarded to the service consultant for review.

- 165) Shouldn't every case just go to the Service Consultant to start down the road if it is needed later?

ANSWER: No, the Service Consultant will only review orders or recommendations when and if DCS is asked to pay for a program, service or placement.

- 166) If DCS fails to file TPR per statute, what will happen? Who will hold DCS accountable for this?

ANSWER: The federal government, through regular audits, checks to make sure that all federal and state statutory requirements are followed.

- 167) If the DCS Service Consultant reviews materials, but does not respond within 3 days, is the right to appeal deemed waived?

ANSWER: Will know more after the first waive of appeals when and if they occur.

- 168) Will individual units have a specific Service Consultant, i.e. Marion County sex offender unit?

ANSWER: No, not at this time.

- 169) So it is my understanding that protecting the community and community safety is not as important and not going to determine whether a child is appropriate for placement or detention.

ANSWER: That is simply not true. These requirements are findings for payment and reimbursement and therefore this depends on the primary reasoning for the placement. If community safety is the focus then secure detention is the route.

- 170) Funding sources- will this require the Courts to file more PPO's? And could they be initiated at the time of the delinquency petition?

ANSWER: It is likely that there will be more financial participation by parents This starts with IV-E, but also applies to PPO's which have been all over the board between counties. By statute, the Court must evaluate parental reimbursement by using the child support guidelines form. In the past this money has been "lost" to the State.

- 171) If a youth goes to placement then transitions to a scattered sites program, would this be an example of when a Permanency Plan is needed?

ANSWER: A Permanency Plan should be established as soon as possible, even before placement, but no later than after the placement. Transitioning to a scattered sites program is an example of an Another Planned Permanent Living Arrangement, which is a Permanency Plan unless the goal is to transition back to parent/guardian/custodian?.

172) What plans are in place to award workload assistance, additional personnel, to probation departments due to expanded responsibilities required by 1001.

ANSWER: None at present. After the risk/needs assessment instrument is rolled out by the Indiana Judicial Center, then the next priority is examining caseloads.

173) What consideration has been awarded to counties for extended stays in juvenile detention necessitated due to HEA1001.

ANSWER: Not sure about this question. Maybe awaiting a bed in placement? No anticipation of huge delays in the process.

174) Is the court prepared to allow more time for the completion of PDR's?

ANSWER: The Service Consultant process should not impede this process.

175) Does secure detention time and/or DOC time count towards the 15 out of 22?

ANSWER: No.

176) What do we need to do to get approval for out of state placement?

ANSWER: Clear and convincing evidence, within 50 miles, review and approval of the director.

IC 31-37-19-3

Placement in shelter care facility outside county of residence; placement in home or facility outside Indiana

Note: This version of section effective 1-1-2009. See also preceding version of this section, effective until 1-1-2009.

Sec. 3. (b) A juvenile court may not place a child in a home or facility that is not a secure detention facility and that is located outside Indiana unless:

- (1) the placement is recommended or approved by the director of the department or the director's designee; or
- (2) the court makes written findings based on clear and convincing evidence that:

- (A) the out-of-state placement is appropriate because there is not a comparable facility with adequate services located in Indiana; or

- (B) the location of the home or facility is within a distance not more than fifty (50) miles from the county of residence of the child

177) What about those already placed as of December 31, 2008?

ANSWER: Continue where they are, then reviewed as the Court does now. Still need to get a list of these placements that are not through the ICPC, to ensure that providers get paid for these services from the state level and not the local county level. The first review after the first of the year will not need to be submitted to the Service Consultant.

178) Who will bring collection action against parents who do not pay Court ordered reimbursements?

ANSWER: Possible third party involvement being considered. It would be helpful for judgments to be entered when parents do not pay. DCS is the judgment plaintiff.

179) If a kid is detained at the time of arrest, does the Title IV-E need to be done?

ANSWER: Court language should include IV-E requirements, however, the IV-E eligibility form does not need to be completed by the Probation Officer unless DCS paid services and/or placement is going to be recommended.

180) Since Probation is now to make emergency service or placement recommendations, do we no longer report to DCS/CPS?

ANSWER: State law requires all mandatory reports to report to CPS allegations of suspected abuse and neglect.

181) Are we now using the Title IV-E eligibility AFCARS in Handout 9 instead of Title IV-E form probation has been using?

ANSWER: Yes, but it will be completed through a computer interface, not necessarily a form.

182) What is the funding allocation for Hendricks County?

ANSWER: Allocations have been made by Region. This is currently in the process of being publishing and will be managed by the Regional Services Council. The allocations are posted on the DCS website.

183) How much money do the Service Consultants make?

ANSWER: Public information, no benefits, approximately \$5000 per month

184) What are the administrative costs of the DCS programs?

ANSWER: Not sure about what this question is asking.

185) In the legislation, what exists to make the parent who causes the child to be a CHINS to pay the costs incurred?

ANSWER: See above statute requiring reimbursement through the use of Child Support Guidelines. Orders are to be established for reimbursement. If the order is not followed, further Court action can occur.

186) Who oversees the expenditures for services to insure value is being received for services rendered.

Regional Services Council by monitoring outcomes.

187) If a child is detained at time of arrest, we need to start filling out IV-E paperwork?

Depends on where they are detained. If at a juvenile justice detention facility then no, (although Reasonable Efforts language needs to be in the Court Order) if at a IV-E eligible placement then yes.

188) Who will pay for GAL's, not CASA volunteers. Who will pay for public defenders?

ANSWER: This is the responsibility of the local county and therefore should be the same place that has been paying for them before- unless they were paid for by DCS, then they will be paid for by the county.

189) When the PO submits recommendations, will the 3 day turnaround around time calculated as business days or calendar days?

ANSWER: Business days not including weekends and holidays.

190) Do we have to do case plans and determine IV-E for cases that require a child to go to secure detention but is not paid for by DCS.

ANSWER: No.

191) Do we have to complete case plans and IV-E on cases placed prior to July 1st?

ANSWER: This has not changed, case plans are required from July 1, 2008, after Jan 1 all other processes take effect. As review hearings come up 60 days post review hearing for all other cases, even those placed prior to July 1, 2008.

192) Are Service Consultants going to tour all facilities on a regular basis?

ANSWER: Not necessarily on a regular basis, but will familiarize themselves with placement facilities.

193) Is DCS still going to participate on the Local Coordinating Committees (LCC's)? If a DCS employee agrees with the LCC recommendation, does it still need to be sent to a Service Consultant?

ANSWER: The issue of a DCS staff member "signing off" on probation recommendations as part of an LCC or other staff process is separate from the Probation Service Consultant process. The first is done by protocol or practice in the culture of a local county- even if it is done under the umbrella of the statutory LCC, and this is not at all connected to the new process under HB 1001.

The Probation Service Consultant process statutorily created is designed to review the proposed PDR and recommended/ordered programs, services and/or placement and either concur or make alternative recommendations effecting payment.

They are not mutually dependent or exclusionary. If a DCS staff member participates in a probation staffing and agrees with recommendations, there will still be a Probation Service Consultant reviewing the issues because the statute calls for that- both in spirit and language. No other process or involvement can supplant the fundamental responsibility of the Probation Service Consultant.

Hopefully, over a period of time, the services and programs become so well known, defined and utilized that all reviewers of the recommendations will arrive at the same or similar conclusions. The Regional Service Councils can then utilize this information to verify that within their region there is effective treatment for children and families.